

COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT, DIVISION FOUR

CHURCH OF SCIENTOLOGY
INTERNATIONAL, A California nonprofit
religious corporation,

Petitioner,

vs,

SUPERIOR COURT OF THE STATE OF
CALIFORNIA, COUNTY OF MARIN,

Respondent,

GERALD ARMSTRONG,

Real Parties in Interest.

Marin County Superior Court Case No.
157680

Case No.: A107100

**PETITIONER'S SUPPLEMENTAL EXHIBIT IN SUPPORT OF PETITION FOR A
WRIT OF CERTIORARI OR, IN THE ALTERNATIVE, A WRIT OF MANDAMUS**

**After Order re Sentences For Contempt by the Hon. Lynn Duryee,
County of Marin**

VOL. III OF III

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INDEX TO EXHIBIT LIST

Exhibit 19: Declaration of Andrew H. Wilson in support of ex parte application for order to show cause re contempt and Exhibit S, filed in *Church of Scientology v. Armstrong*, Case No. 157680

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

11 CHURCH OF SCIENTOLOGY
12 INTERNATIONAL, a California not-for-profit
religious corporation,

13 Plaintiff,

14 vs.

15 GERALD ARMSTRONG, et al.,

16 Defendants.

) CASE NO. 157 680

) [CONSOLIDATED]

) DECLARATION OF ANDREW H.
) WILSON IN SUPPORT OF EX
) PARTE APPLICATION FOR
) ORDER TO SHOW CAUSE RE
) CONTEMPT

) Date:

) Time:

) Dept:

18
19 I, ANDREW H. WILSON, declare as follows:

20 1. I am a partner of the law firm of Wilson Campilongo LLP and am an attorney
21 admitted to practice in the State of California. I am one of the attorneys responsible for the
22 representation of the Plaintiff/Judgment Creditor in this action. As such, I have personal
23 knowledge of the facts set forth below and, if called upon to testify on such matters, would
24 and could do so competently.

25 2. In December of 1986, Armstrong entered into a Mutual Release of All Claims
26 and Settlement Agreement (the "Agreement") pursuant to which CSI paid Armstrong
27 \$800,000.00. In exchange for his receipt of such funds, Armstrong promised, in essence, to
28

000363

1 cease disseminating information" concerning CSI and to cease assisting others pressing claims
2 against CSI and related entities.

3 3. I am informed and believe that, beginning in approximately 1990, Armstrong
4 fraudulently transferred substantially all of his assets and began repeatedly breaching almost
5 every covenant he made in the Agreement.

6 4. As a result of Armstrong's conduct, CSI brought an action for breach of the
7 Agreement seeking, *inter alia*, a permanent injunction preventing Armstrong from further
8 breaching the Agreement. Armstrong filed various claims against CSI for breach of the
9 Agreement.

10 5. The Honorable Ronald Sohigian entered the Preliminary Injunction in late May,
11 1992. Less than a month later, I was questioning Mr. Armstrong at a deposition when he
12 testified of his intention to ignore the settlement agreement and Judge Sohigian's Order:

13 A. When, I mean, I have, I have absolutely no intention of
14 honoring that settlement agreement. I cannot. I cannot logically,
15 I cannot ethically. I cannot morally. I cannot psychically. I
cannot philosophically. I cannot spiritually. I cannot in any way.
And it is firmly my intention to not honor it.

16 Q. No matter what a court says?

17 A. No court could order it. They're going to have to kill me.

18 6. A true and correct copy of page 124 of the Deposition of Gerald Armstrong
19 taken Wednesday, June 24, 1992, in which Mr. Armstrong made this statement, is attached
20 hereto and incorporated herein by reference as Exhibit A.

21 7. Shortly thereafter, in a declaration of February 2, 1993, Armstrong stated, "I do
22 not believe such non-assistance, covenants or orders are legal or do anything but obstruct the
23 administration of justice and attempt to destroy men's souls." A true and correct copy of pages
24 1, 9-11 and 29 of said declaration is attached hereto and incorporated herein by reference as
25 Exhibit B.

26 8. On August 15, 1993, Mr. Armstrong wrote to me, declaring that his breaches
27 of the settlement agreement and of Judge Sohigian's Preliminary Injunction continued
28 unabated, even in Armstrong's sleep. A true and correct copy of the letter which I received

1 from Mr. Armstrong, dated August 15, 1993, is attached hereto and incorporated herein by
2 reference as Exhibit C.

3 9. On October 17, 1995, this Court granted an Order of Permanent Injunction
4 against Armstrong (the "Order") following certain motions for the Summary Adjudication of
5 Issues by CSI. Such Order was later incorporated into the judgment ("Judgment") entered
6 against Armstrong on May 2, 1996. Attached hereto as Exhibit D is a true and correct copy
7 of the Judgment, to which the Order is an exhibit. (The Order and the Judgment are
8 collectively referred to hereinafter as the "Injunction.")

9 10. Since its entry, there has been no successful challenge to validity of the Order
10 by Armstrong. Armstrong, appearing in *pro per*, filed a Notice of Appeal regarding the
11 Judgment and Order and, also appearing in *pro per*, filed Appellant's Opening Brief. Briefing
12 is not yet complete and CSI has moved to dismiss the appeal on the grounds that a party may
13 not simultaneously appeal from an injunctive order while willfully disobeying it. That motion
14 is still pending. The Preliminary Injunction which preceded the Order was affirmed following
15 Armstrong's petition to the Court of Appeals.

16 11. Armstrong's counsel appeared at the hearing pertaining to the Order and I am
17 informed and believe that he received notice of entry thereof. Armstrong further received
18 notice of entry of the Order.

19 12. In January 1997, I learned of actions by Mr. Armstrong which I believe are
20 clear violations of the Injunction. These actions were brought to the attention of this Court
21 which issued an OSC re Contempt on February 19, 1997 and an Order of Contempt on August
22 6, 1997.

23 13. While the preliminary injunction which preceded the Order was in effect,
24 Armstrong willfully disobeyed it on numerous occasions. This gave rise to an earlier Order
25 To Show Cause Re Contempt, which was heard in December 1994 by the Honorable Diane
26 Wayne. I represented CSI at that hearing. Armstrong admitted the violations and pled for
27 mercy from the court. Judge Wayne discharged the contempt but admonished Armstrong to
28 conduct himself appropriately in the future.

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1 14. Armstrong successfully discharged the approximately \$300,000.00 awarded by
2 this Court in damages to CSI in his bankruptcy proceedings. Armstrong failed in his effort to
3 have the Bankruptcy Court discharge him from the contractual obligations upon which the
4 Order is based.

5 15. On or about September 2, 1997, in violation of the Order, Armstrong created
6 and caused to be widely disseminated by means of the Internet a documentary work which
7 discussed CSI and other beneficiaries of the Settlement Agreement. A true and correct copy
8 of said documentary work is attached hereto as Exhibit E.

9 16. On or about October 14, 1997, in violation of the Order, Armstrong created and
10 caused to be widely disseminated by means of the Internet a documentary work which
11 discussed CSI and other beneficiaries of the Settlement Agreement. A true and correct copy
12 of said documentary work is attached hereto as Exhibit F.

13 17. On or about October 14, 1997, in violation of the Order, Armstrong created and
14 caused to be widely disseminated by means of the Internet a documentary work which
15 discussed CSI and other beneficiaries of the Settlement Agreement. A true and correct copy
16 of said documentary work is attached hereto as Exhibit G.

17 18. Also on or about October 14, 1997, in violation of the Order, Armstrong
18 created and caused to be widely disseminated by means of the Internet a documentary work
19 which discussed CSI and other beneficiaries of the Settlement Agreement. A true and correct
20 copy of said documentary work is attached hereto as Exhibit H.

21 19. On or about October 20, 1997, in violation of the Order, Armstrong created and
22 caused to be widely disseminated by means of the Internet a documentary work which
23 discussed CSI and other beneficiaries of the Settlement Agreement. A true and correct copy
24 of said documentary work is attached hereto as Exhibit I.

25 20. Also on or about October 20, 1997, in violation of the Order, Armstrong
26 created and caused to be widely disseminated by means of the Internet a documentary work
27 which discussed CSI and other beneficiaries of the Settlement Agreement. A true and correct
28 copy of said documentary work is attached hereto as Exhibit J.

1 21. On or about October 23, 1997, Armstrong caused to be widely disseminated by
2 means of the Internet a letter which he had apparently written previously to the Hon. Alfonse
3 D'Amato concerning the efforts of CSI to combat religious discrimination in Germany. This
4 action constituted the publication and/or broadcast of a documentary work which discusses CSI
5 and other beneficiaries of the Order. A true and correct copy of said documentary work is
6 attached hereto as Exhibit K. In this "letter" Armstrong states that "...this court order is
7 illegal and that Scientology procured it by illegal means. It impermissibly denies me freedom
8 of speech, freedom of religion, freedom of association and due process." Exhibit K, p. 1.
9 The "letter" continues with Mr. Armstrong's litany of false and derogatory charges against
10 CSI and its affiliates with which this Court is all too familiar and with which this Court would
11 not have been further burdened if Mr. Armstrong had simply obeyed the Order.

12 22. Sometime in early October, in violation of the Order, Armstrong voluntarily and
13 willingly participated in a videotaped interview during which he discussed CSI and other
14 beneficiaries of the Order. Armstrong was informed prior to the interview that it was being
15 recorded for broadcast on British television. I have personally reviewed a transcript of the
16 broadcast which was broadcast over television Channel 4 in Britain on November 19, 1997.
17 Attached hereto as Exhibit L is an accurate transcript of said broadcast. A copy of the
18 videotape is in my possession and can be made available to the Court.

19 23. I am informed and believe that Armstrong flew to Berlin, Germany sometime in
20 October, where he gave a speech on or about October 26, 1997. In that speech, Armstrong
21 violated the Injunction numerous times by *inter alia*, making statements about L. Ron Hubbard
22 and complaining that the Church is misusing the U.S. legal system and blaming the Church,
23 the U.S. legal system and even his own attorney for the fact that a contempt citation and arrest
24 warrant has been issued against him. During that same visit, Armstrong gave an interview to
25 the *Berliner Zeitung*, resulting in an article in that publication, a true and correct copy of
26 which is attached hereto as Exhibit M and a translation of which is attached hereto as Exhibit
27 N. The gross and obvious nature of the violation of the Injunction committed by Armstrong in
28 giving that interview can be easily ascertained from a simple perusal of the article itself.

1 24. I am informed and believe that on October 28 Armstrong traveled to Hamburg,
2 Germany where he appeared at an event sponsored by self-styled "anti-cultists" Renate
3 Rennenbach and Ursula Caberta. (Rennenbach and Caberta have been engaged for the past
4 several years in attempts to discredit the Church through various means and have lobbied
5 various German government entities to essentially legalize discrimination against members of
6 the Church of Scientology because of their Church membership. In fact, Germany has been
7 censored for the past three years by the United Nations and the Helsinki Commission for just
8 such discrimination. The United States Department of State has also found a pattern of human
9 rights abuses by Germany against Church members.) During this appearance Armstrong
10 committed further violations of the Injunctions, making numerous prohibited statements. This
11 appearance was reported on in the October 28th edition of the *Frankfurter Rundschau*. A true
12 and correct copy of which is attached hereto as Exhibit O and a translation of which is
13 attached hereto as Exhibit P.

14 25. I am further informed and believe that on this same trip to Germany, Armstrong
15 gave interviews to at least three television interviewers which resulted in broadcasts on
16 Germany TV channels N-TV, B1 TV and SAT 1 TV. In addition to this, Armstrong was
17 interviewed by the regional newspaper *Taz*, resulting in the article of October 28, 1997, a true
18 and correct copy of which is attached hereto as Exhibit Q and a translation of which is
19 attached hereto as Exhibit R.

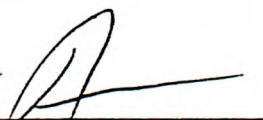
20 26. Armstrong's most recent violation of the Injunction came on November 26,
21 1997. On that date, Armstrong created another Internet posting which purported to be a
22 verbatim transcription of a complaint which Armstrong had recently filed in the United States
23 District Court for the District of Nevada. A true and correct copy of this posting is attached
24 hereto as Exhibit S. A review of this virtually unintelligible "complaint" reveals its true
25 nature, a cynical attempt to cloak Armstrong's anti-Scientology ravings with the litigation
26 privilege.

27 27. The recent violations of the Injunction in Great Britain and Germany have
28 forced the Church to expend a great deal of time and money to correct the multiplicity of

1 falsehoods and lies which Armstrong has promulgated. Armstrong's claimed expertise
2 concerning the Church, based on nothing more than having been the clerk entrusted with care
3 of certain of Mr. Hubbard's personal files, gives him a superficial credibility, even though he
4 has not been involved in any facet of the Scientology religion since 1981. Evidence of this is
5 the German media's false reference to Armstrong as Hubbard's "biographer." The Church
6 did not pay Armstrong to silence him, but to save itself the time and expense of responding to
7 and correcting every false allegation.

8 28. I notified Mr. Armstrong of this application by letter which was telecopied to
9 Mr. Armstrong, a true and correct copy of which is attached hereto and incorporated by
10 reference as Exhibit T.

11 I declare under penalty of perjury pursuant to the laws of the State of California that
12 the foregoing is true and correct. Executed this 1st day of ^{December} ~~November~~ 1997 at San
13 Francisco, California.

14
15
16 
Andrew H. Wilson

=====

Newsgroups: alt.religion.scientology
Subject: The Beginning of the End of Endless Black PR
From: armstrong@ntonline.com (gerry armstrong)
Date: Wed, 26 Nov 1997 01:26:56 GMT

Yesterday, November 24 the following complaint was filed on my behalf in US District Court in Reno, Nevada.

I am in the process of moving to my new digs in the Silver State, but will be at this address for a few days.

I hope this adds to everyone's (Scientists' and Non scientists') reasons for a Happy Thanksgiving.

Gerry

[Quote]

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CV-N-97-00670-HDM (RAM)

GERALD ARMSTRONG,

Plaintiff,

vs.

DAVID MISCAVIGE and CATHY
NORMAN, individuals; CHURCH

000371

OF SCIENTOLOGY INTERNATIONAL,
a California corporation;
RELIGIOUS TECHNOLOGY CENTER ,
a California corporation; the
SEA ORGANIZATION, a California
based unincorporated entity ;
and the CHURCH OF SCIENTOLOGY
OF TEXAS, a Texas corporation;

Defendants.

COMPLAINT FOR LIBEL AND FOR DEFAMATION AND FOR OTHER RELIEF

JURY DEMAND

Plaintiff, Gerald Armstrong, alleges as follows:

JURISDICTION AND VENUE

1. Subject matter jurisdiction resides in this Court pursuant to 28 U.S.C.A. sec. 1332 as plaintiff is a resident of Nevada, and defendants are residents of California or of Texas.

2. The amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000), exclusive of interest and costs.

3. Venue is laid in this United States District Court (Northern Division) for the District of Nevada pursuant to 28 USCA sec. 1391 (a) and pursuant to Local Rule 1002 (b) (1-2).

NATURE OF THE ACTION

4. Plaintiff, as claims for relief, alleges entitlement to damages caused by defendants' malicious publication and dissemination of false and defamatory statements, as well as claiming damages for defendants' intentional infliction of emotional distress upon him.

PARTIES

5. Plaintiff Gerald Armstrong ("GA", "Armstrong") a resident of Nevada at the time of filing this complaint, from 1969 through 1981 was a devoted and trusted Scientologist. From 1971 through 1981 he was a member of the Sea Organization, the highly dedicated upper echelon and management arm of Scientology.

For significant portions of that period he dealt directly with Scientology founder L. Ron Hubbard and became intimately familiar with organization policies and practices. Armstrong's last assignment was to maintain and make available to Hubbard's biographer the most personal and revealing Hubbard boyhood-forward lifetime documents. It was in this period that Armstrong discovered the dark side of Scientology's founder, ultimately leading Armstrong to leave the organization.

6. Defendant Church of Scientology International ("CSI") and defendant Religious Technology Center ("RTC") both California corporations, as recently as October 29, 1997 have been found by the California Superior Court of Los Angeles County to be two of the alter ego firm control entities of the full Scientology operations.

7. Defendant Sea Organization ("Sea Org"), an unincorporated California-based entity or association housed in the various business offices of that state's corporate party defendants herein, is the third of the alter ego entities which control Scientology throughout the world.

8. Defendant David Miscavige ("DM", "Miscavige") is the individual who is the present RTC chairman and the highest ranking member of the Sea Org. The Sea Org, on information and belief and upon proofs to be adduced in these proceedings, is "the absolute power center" of the whole "Scientology" establishment said to be located worldwide, including 150 satellite or affiliated entities claimed to exist in the United States. Miscavige sits alone and highest at the very center of "the absolute power center," controlling absolutely by whatever traditional Scientology/Hubbard/Miscavige means are required.

9. Defendant Church of Scientology of Texas ("CST") is a Texas corporation, under the domination and control of the California defendants herein.

10. Defendant Cathy Norman ("Norman") is an employee of CST, and responsible to, receiving orders from, and under the domination and control of, the California defendants herein.

GENERAL ALLEGATIONS

11. Plaintiff does repeat, reallege, adopt, and incorporate by reference as though set out in haec verba herein, each allegation contained in paragraphs 1 through 10 hereinabove.

12. In 1981 Armstrong became disillusioned because his duties led him to archived papers disclosing critical personal frauds and organization deceptions perpetrated by other Hubbard intimates and by Hubbard himself during his years heading up Scientology. During his archiving activities Armstrong observed that over Hubbard's adult life he used a philosophy of "opportunistic hatred" and the "acts which flow therefrom (lying, cheating, stealing, compromising, entrapping, obstructing, bullying, blackmailing, destroying) as the solution to his problems."

13. In the 1960's Hubbard established this philosophy and practice as policy for the Scientology organization's treatment of people designated as "enemies," and dubbed this policy "fair game." The fair game policy states that "enemies" "may be deprived of property, injured by any means by any Scientologist...may be tricked, sued, or lied to or destroyed."

14. One of Scientology's mechanisms for implementation of fair game against a designated "enemy" is a policy and practice of character assassination, which Hubbard termed "black propaganda" or "black PR." The stated purpose of black PR is to destroy an "enemy's" reputation and credibility or public belief in him by the manufacture and spreading of falsehoods about him.

15. Fair game has been judicially condemned many times. In a landmark California proceeding, Los Angeles Superior Court Judge Paul G. Breckenridge, Jr. in his decision rendered in 1984 in the case of Scientology v. Gerald Armstrong, Case No. C420153, stated in a now haunting declaration:

"In addition to violating and abusing its own members civil rights, the organization over the years with its "Fair Game" doctrine has harassed and abused those persons not in the Church whom it has perceived as enemies. The Organization clearly is schizophrenic and paranoid, and this bizarre combination seems to be a reflection of it founder LRH."

16. In response to such judicial and societal condemnation of its practices, defendants have claimed over the past many years that the fair game doctrine had been "canceled", is "no longer Scientology policy" and "no longer practiced." Defendants claim that the people who were harassing and abusing others were doing so in violation of Hubbard's/organization policy, and as a result were purged from the organization.

Defendant Miscavige, the present supreme director of all Scientology components, claims that he was personally responsible "for the purge" and "for the elimination of fair game activities."

SPECIFIC ALLEGATIONS

17. Plaintiff does repeat, reallege, adopt, and incorporate by reference herein as though set out in haec verba herein, each allegation contained in paragraphs 1 through 16 hereinabove.

18. The grim truth however -- and notwithstanding the repeated public Miscavige statements, as demonstrated infra -- is that defendants herein have designated Armstrong an "enemy" and have from the time he left Scientology and up to the present subjected him to fair game and a massive international black PR campaign. The document which gives rise to this complaint was created and disseminated by defendant components of the Scientology enterprise pursuant to fair game, and is black propaganda.

19. Rather than deal responsibly with and actually eliminate their antisocial nature and practices as condemned by Judge Breckenridge, defendants have chosen to continue to subject designated "enemies," including Armstrong, to fair game and black PR. In their document which gives rise to this complaint, defendants seek to undermine the validity of Judge Breckenridge's decision by destroying Armstrong's reputation and credibility through the manufacture and dissemination of falsehoods about him. Clear, irrefutable proof is shown immediately hereinafter, that "fair game" and "black propaganda" are very much alive and spreading their frightening and historically contemptible poisons however, whenever, wherever, the Scientology's Miscavige-CSI-RTC-Sea Org cabal dictates.

20. Triggering this complaint: on October 21, 1996 one Cathy Norman caused transmission and publication of a one page letter on the letterhead of the Church of Scientology of Texas, Austin, to Craig Branch, Watchman Fellowship, P.O. Box 530842, Birmingham, Alabama, 35253. This letter showed a "cc: James Walker", thus broadening its publication. Copy by photocopy of the October 21, 1996 Norman-Branch letter marked Armstrong Exhibit A is annexed and incorporated herein.

21. One of the enclosures was an eight page document

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bearing a top line first date of 10-May-1993, followed by a court of law case name in capital letters and the date (emphasis added) June 20, 19_84_, _viz_:

CHURCH OF SCIENTOLOGY OF CALIFORNIA (PLAINTIFF)

vs.

GERALD ARMSTRONG (DEFENDANT)

June 20, 19_84_

22. As will presently be shown by plaintiff's allegations, the first three paragraphs of this May 10, 19_93_ forty-five hundred + word critique by Miscavige-CSI-RTC-Sea Org of a June 20, 19_84_ decision of a State of California Superior Court Judge (Breckenridge) sent on October 21, 19_96_ by a Texas Scientologist loyalist (Cathy Norman) to an Alabama Watchman Fellowship adherent (Craig Branch) capsule what this case is all about. The subject documents reached plaintiff Armstrong in Marin County, California before the month of November, 1996 was over. The first paragraph, including its "headline" (the "defendant" referred to is Gerald Armstrong, plaintiff here), reads:

"FALSEHOOD IN DECISION OF JUDGE BRECKENRIDGE:

"While defendant has asserted various theories of defense, the basic thrust of his testimony is that he did what he did because he believed that his life, physical and mental well being, as well as that of his wife were threatened because the organization was aware of what he knew about the life of LRH. the secret machinations and financial activities of the Church and his dedication to the truth."

23. The second paragraph of Armstrong Exhibit B, including "headline" reads:

"TRUE INFORMATION:

"Los Angeles Superior Court Judge Paul Breckenridge made the above statement as a part of a decision where the Church had sued Armstrong for theft of certain confidential documents from the Church. Far from any "dedication to the truth," Armstrong had boasted of his ability to lie and to forge documents."

24. The third paragraph then continues what can only be described accurately -- if fidelity to the 1970s precepts of L. Ron Hubbard himself is to be maintained -- as a 1993 Miscavige-CSI-RTC-Sea Org dissemination out of California of an archetype, "fair game" implemented "Church of Scientology black

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propaganda document," _viz_:

"Gerald Armstrong is a former clerk (Note 1) employed by Church of Scientology of California. During the later years of his tenure as an employee of the Church, Armstrong was placed in charge of a huge quantity of documents that belonged to L. Ron Hubbard that contained private and personal information regarding Mr. Hubbard. Part of his duties included research to support the work of an author who had been retained to write an authorized biography of Mr. Hubbard."

(Note 1: The labeling by Miscavige-CSI-RTC-Sea Org of Gerald Armstrong as "a former clerk" reveals another black PR habit of the Scientology people, that of persistently demeaning an "enemy" or adversary. The truth is that the Armstrong positions in the Sea Org actually included these: Ship's Legal Officer, Ship's Public Relations Officer, Ship's Intelligence Officer, L. Ron Hubbard's Deputy External Communications Aide, Deputy Commanding Officer of Hubbard's Household Unit, and L. Ron Hubbard Biography Researcher.)

A copy of the full eight page document, marked Armstrong Exhibit B -- with the 27 paragraphs each bearing an Arabic numeral (thus, 1 through 27) -- is annexed and by such reference is incorporated herein.

25. The two documents, Armstrong Exhibit A and Armstrong Exhibit B, taken together, contain printed paragraphs constituting libel per se. The two documents, taken together, and as they were disseminated and mailed, constitute the malicious and defamatory statements concerning plaintiff Armstrong identified hereinafter. [Note, each "Item__" is keyed to an Armstrong Exhibit B number stamped (as in 1 through 27) on the left hand margin of Exhibit B."] Random partial highlighting of some of the twenty-seven paragraphs support the initial Armstrong claims for relief.

Item 2: "Gerry Armstrong far from being afraid for his life, was actively engaged in secret machinations his own to seize control of the Church...Armstrong has boasted at length of his ability to lie and to forge documents (Note 2)."

(Note 2: As defendants know (or are charged with knowing) Miscavige-CSI-RTC-Sea Org (or at least the latter surely know) the late L. Ron Hubbard, if it suited his purposes,

unhesitatingly _commanded_ document forgery and/or document alteration, just as he caused to be constructed -- much of it still part of the Hubbard folklore -- many egregiously false aspects of his own life history, accomplishments, and beliefs.

Item 3: "Gerald Armstrong is a former clerk..."

Item 4: "Armstrong. . .left. . .taking with him huge numbers of confidential documents which belonged to Mr. Hubbard or his wife..."

Item 5: "... the Church received evidence that Armstrong had stolen thousands of documents from Archives when he left the Church."

Item 6: "Once the demand...was made, Armstrong turned the stolen documents over ..."

Item 7: "...Church sued Armstrong for conversion, breach of fiduciary duty...and invasion of privacy based on Armstrong's theft of extensive amounts of papers owned by the Church or the Hubbards."

Item 8: "His defense was stricken on four different occasions (Note 3) by three different judges."

(Note 3: This defendants' statement is, simply, not true. The defense of justification, or privilege, was never stricken. The pre-trial judges did not permit the then-defendant Armstrong to depend on the defense of "unclean hands," which would have barred then-plaintiff Scientology from proceeding _in limine_.)

Item 9: "Armstrong and Flynn were ordered to turn all copies of the documents that Armstrong had stolen over to the court. . ."

Item 10: "The Church presented motions to prevent Armstrong from introducing the stolen confidential documents...The Church was completely ambushed in the trial by these documents...the Church had no chance to prepare and put on that evidence before being hit with the documents in trial."

Item 11: "...witnesses...testified...with regard to his alleged justification for stealing the documents."

Item 13: "The Church had proven that Armstrong was guilty of stealing...Judgment, however, was entered in favor of Armstrong, essentially finding that...The only lawsuit that there was to fear was the one that was ultimately filed for return of the stolen documents."

Item 14: "...when he committed these thefts Armstrong...was engineering a plan to infiltrate and take over the Church at the behest of the Criminal Investigation Division of the Internal Revenue Service..."

Item 15: "...the Church obtained permission from the Los Angeles Police Department to conduct undercover surveillance of Armstrong (Note 4)..."

(Note 4: Here, in this Exhibit B, the reader finds Miscavige-CSI-RTC-Sea Org, for whatever Scientology type purpose, not telling the whole (truthful part of) the story. In Item 15, above, the persons in charge untruthfully assert "the Church obtained permission from the Los Angeles Police Department". So too, in the Miscavige Declaration of February 8, 1994 (at page 31, lines 27-28, DM Declaration "under penalty of perjury") Mr. Miscavige swears that: "Armstrong was proven a liar. In a police-sanctioned investigation..." What this head man's patent untruth does not reveal about their "undercover agent", one Eugene M. Ingram, the opinion of no less a public figure than the Chief of Police, Los Angeles, in the annexed Armstrong Exhibit E reveals (emphasis supplied) that: the letter is believed "to have been drafted by Ingram himself," and that "The Los Angeles Police Department _has not_ cooperated with Eugene Ingram. _It will be a cold day in hell when we do_."

Item 17: "...his justification defense...was completely bogus..."

Item 25: "The Court of Appeal upheld Breckenridge's decision on the legal technicality that it believed a justification defense is available to defend against theft in California."

Item 27: "The Church recently sued Armstrong for his blatant disregard of his obligations under the settlement agreement...another Superior Court Judge was not impressed and slapped Armstrong (Note 5) with a preliminary injunction."

(Note 5: While defendants CSI-Miscavige et al choose to exult for a moment over issuance of a preliminary restraining order, plaintiff suggests that unaccustomed Scientology candor would at this point have less triumphantly revealed the other half of this "good news, bad news" vignette, viz, Judge Sohigian, while granting a narrow part of Scientology's requested injunction also stated that:

"[Scientology] involves abusing people who are weak... involves techniques of coercion. . .[there is] a very, very substantial deviation between [Scientology's] conduct and standards of ordinary, courteous conduct and standards of ordinary, honest behavior. . .[when dealing with Scientology] be sure you cut the deck... make sure to count all the chips."

26. Plaintiff, upon learning of the existence of the subject libelous materials, called their existence to the attention of his undersigned counsel in Nevada attorney George Abbott. After lengthy Armstrong-Abbott discussion, the two agreed to make demand of and afford written opportunity for publication of full retraction by Ms. Norman, as well as by defendants CSI, RTC and Miscavige.

27. Prior to making demand for retraction, plaintiff and his legal counsel had concluded that the transparently provable facts constitute clear evidence that "fair game" and black PR" has pursued Gerry Armstrong up to today -- whatever misstated history and facts Scientology's all-powerful David Miscavige has chosen to rewrite. A photocopy of the letter sent to defendant Cathy Norman, with copies to CSI, RTC and Miscavige and dated February 12, 1997 is annexed hereto as Armstrong Exhibit C, and incorporated herein.

28. The only response to the Norman-CSI-RTC-Miscavige directed letters came from one attorney Andrew Wilson, whose opening statement declared that "[t]his firm represents Church of Scientology International ("CSI") in the referenced matter and has been asked to respond to your letter," and who rejected plaintiff's demand for retraction out of hand. A photocopy of the letter received from Mr. Wilson and dated February 25, 1997 is annexed hereto as Armstrong Exhibit D, and incorporated herein.

29. Plaintiff does repeat, reallege, adopt, and incorporate by reference herein as though set out in haec verba herein, each allegation contained in paragraphs 1 through 28

hereinabove.

FIRST CLAIM FOR RELIEF

30. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 1 Armstrong had stolen Scientology's and Hubbard's documents (Exhibit B, paras.5,6,7,8,9,10,11, 13,14,18)

This statement by defendants concerning plaintiff is false and libel per se.

SECOND CLAIM FOR RELIEF

31. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 2 Armstrong's defense of justification in his 1984 trial because of his fear of attacks by Scientology was a total farce, completely bogus, a fraud, and a fraudulent sabotage (Exhibit B, paras. 2,14,17,20)

This statement by defendants concerning plaintiff is false and libel per se.

THIRD CLAIM FOR RELIEF

32. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 3 Scientology was ambushed by Armstrong and his attorney at trial and had no chance to prepare and put on evidence (Exhibit B, paras. 10,12)

This statement by defendants concerning plaintiff is false and libel per se.

FOURTH CLAIM FOR RELIEF

33. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 4 Armstrong wanted to seize control of Scientology
(Exhibit B, paras. 2,14,16)

This statement by defendants concerning plaintiff is false and
libel per se.

FIFTH CLAIM FOR RELIEF

34. On all of the foregoing allegations and pursuant
to applicable law plaintiff does claim damages in an amount to be
established upon proofs to be adduced and does set out the
damaging words:

Falsehood 5 Armstrong sought to recruit dissident
Scientologists to overthrow the organization
(Exhibit B, paras. 15,16)

This statement by defendants concerning plaintiff is false and
libel per se.

SIXTH CLAIM FOR RELIEF

35. On all of the foregoing allegations and pursuant
to applicable law plaintiff does claim damages in an amount to be
established upon proofs to be adduced and does set out the
damaging words:

Falsehood 6 The Los Angeles Police Department granted
Scientology permission to conduct undercover
surveillance of Armstrong (Exhibit B, para. 15)

This statement by defendants concerning plaintiff is false and
libel per se.

SEVENTH CLAIM FOR RELIEF

36. On all of the foregoing allegations and pursuant
to applicable law plaintiff does claim damages in an amount to be
established upon proofs to be adduced and does set out the
damaging words:

Falsehood 7 Armstrong created a plan to plant forged and
incriminating documents in Scientology files to be
found in a raid by the Internal Revenue Service
(Exhibit B, paras. 16,19)

This statement by defendants concerning plaintiff is false and
libel per se.

EIGHTH CLAIM FOR RELIEF

37. On all of the foregoing allegations and pursuant
to applicable law plaintiff does claim damages in an amount to be

established upon proofs to be adduced and does set out the damaging words:

Falsehood 8 Armstrong stated that neither truth nor good faith play any significant role in litigation (Exhibit B, para. 21)

This statement by defendants concerning plaintiff is false and libel per se.

NINTH CLAIM FOR RELIEF

38. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 9 Armstrong stated that facts mean nothing to a civil litigant and that truth is merely an avoidable obstacle (Exhibit B, para. 21)

This statement by defendants concerning plaintiff is false and libel per se.

TENTH CLAIM FOR RELIEF

39. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 10 Armstrong boasted at length of his ability to lie and to forge documents (Exhibit B, para. 2)

This statement by defendants concerning plaintiff is false and libel per se.

ELEVENTH CLAIM FOR RELIEF

40. On all of the foregoing allegations and pursuant to applicable law plaintiff does claim damages in an amount to be established upon proofs to be adduced and does set out the damaging words:

Falsehood 11 The evidence shows Armstrong's state of mind to be of a calculating, aggressive and dishonest character (Exhibit B, para. 24)

This statement by defendants concerning plaintiff is false and libel per se.

41. The above falsehoods were known by defendants to be false and were manufactured and disseminated by defendants maliciously with the intention of causing plaintiff to be

mistrusted, reviled, shunned, humiliated and further attacked, and as a result of defendants' manufacture and dissemination of the above falsehoods plaintiff was mistrusted, reviled, shunned, humiliated and further attacked.

42. Separately and together, these falsehoods, supra, were calculated to cause great injury to plaintiff's reputation, credibility and character.

43. Plaintiff has always enjoyed a good reputation for honesty, truthfulness and uprightness of character. Judge Breckenridge in his 1984 decision stated regarding plaintiff that "he did what he did, because ... [of] his dedication to the truth;" and that his "testimony [was] credible, extremely persuasive."

44. The calculated, willful, reckless, and harmful mistreatment -- with resulting physical, mental, and economic damages -- exemplified by the allegations of each of the foregoing eleven claims for relief, directly caused the injuries to plaintiff's person alleged in the hereinafter alleged Twelfth Claim for Relief.

TWELFTH CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)

45. Plaintiff does repeat, reallege, adopt, and incorporate by reference as though set out in haec verba herein, each allegation contained in paragraphs 1 through 44 hereinabove.

46. Plaintiff, for a twelfth claim for relief does allege that for more than fifteen years defendant David Miscavige -- individually, and in concert with a handful of societal kin, with others making up an all-powerful "Scientology" cabal -- has been engaged in a relentless, never-interrupted course of conduct designed to destroy plaintiff Gerald Armstrong.

47. The methods of destruction at hand were those approved, indeed in no small part invented by the now deceased L. Ron Hubbard. Central to the chosen means were the "fair game" and "black propaganda" techniques and practices described hereinabove. Defendant Miscavige was not above indulging in false, wholly untrue, harmful and spiteful, even inhumane, statements, including even those "under penalty of perjury", as exemplified by the exposition of Miscavige sworn and unsworn public statements to the light of truth. supra. As two examples

of this defendant's willingness to be untruthful, the complaint specifically identifies DM's "sworn under penalty of perjury" declarations embracing the much-vaunted Miscavige insistence that "early on, I ended fair game, once and for all"; so too, the Miscavige flat out claim an "undercover agent" was "sanctioned" by the Los Angeles Police Department, a claim proven to be a lie. See Armstrong Exhibit E.

48. A search by plaintiff through discovery will be needed to confirm (or to deny) the many and diverse rumors afloat regarding the degree of "fair game" and "black propaganda" directed at Armstrong over the past fifteen year period and currently.

49. Meantime plaintiff alleges unbridled misconduct -- by defendant Miscavige, and/or under his control and direction, and/or within his knowledge and acquiescence at all times, all within the purview of the defendants and each of them -- which conduct has been and is, designed to inflict nonstop severe and grossly damaging emotional distress.

50. (a) By means of the premises herein established, these defendants and each of them have unlawfully and maliciously caused plaintiff to become greatly vexed, harassed, and injured, have caused him to suffer great mental and nervous strain, and caused his feelings to be hurt.

(b) Defendants' misconduct has also caused plaintiff to be exposed to, and to have suffered, intended or actual public and institutional (e.g. Watchman Fellowship) hatred, contempt, and obloquy, all constituting misconduct designed to deprive him of public confidence and social intercourse in the communities in which he has resided or where he has sojourned.

(c) The actions of defendants designed to destroy plaintiff -- embracing "destruction" in all its forms, literally, physically, psychically, mentally, in his livelihood, in ordinary senses of well being, through every form of intentional infliction of emotional distress -- in compensatory damages in amount upon proofs to be adduced but estimated to exceed \$900,000 from and after May 10, 1993. On said premises, and by reason of the aforesaid acts of defendants, plaintiff has sustained serious actual damages, in an amount to proven at trial, but no less than the minimum jurisdictional amount for this Court.

TRIAL OF THIS MATTER BEFORE A JURY IS DEMANDED.

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WHEREFORE, plaintiff prays for damages against all defendants, jointly and severally, as follows:

ON ALL TWELVE CLAIMS FOR RELIEF ABOVE SET OUT

1. For general damages according to proof at trial.
2. For special damages according to proof at trial.
3. For costs of suit.
4. For punitive damages; and
5. For such other relief as the Court may deem just.

Dated: Minden, Nevada
November 21, 1997,

Respectfully submitted,

GEORGE W. ABBOTT, CHARTERED

George W. Abbott

STATE OF NEVADA)

: ss.

COUNTY OF DOUGLAS)

GERALD ARMSTRONG, under penalty of perjury, makes the following assertions:

He is the plaintiff in the above-entitled action; that he has read the foregoing Complaint for Libel and for Defamation, and for Other Relief and knows the contents thereof; that the same is true of his own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, he believes it to be true.

Gerald Armstrong

Subscribed and sworn to before

me this 21st day of November, 1997.

Notary Public

[End Quote]

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action.

On February 15, 2005, I served the foregoing document described as:

**PETITIONER'S SUPPLEMENTAL EXHIBIT IN SUPPORT OF
PETITION FOR A WRIT OF CERTIORARI OR, IN THE
ALTERNATIVE, A WRIT OF MANDAMUS**

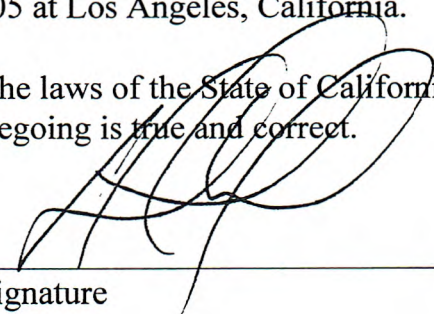
by first class mail, postage prepaid, on interested parties in this action as follows:

Gerry Armstrong
#1-45950 Alexander Avenue
Chilliwack, B.C. V2P 1 L5
Canada

Marin County Superior Court
Hon. Lynn Duryee
3501 Civic Center Drive
San Rafael, CA 94913

Executed on February 15, 2005 at Los Angeles, California.

I declare in accordance with the laws of the State of California, under penalty of perjury, that the foregoing is true and correct.



Signature